

REMARKS

Present Status of the Application

The Office Action dated May 29, 2008 objected the specification and the sequence listing for informalities. Claims 1-3 and 7 were rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subjected matter.

Claims 1-3, 7 and 39-42 were rejected under 35 U.S.C. 112, second paragraph as being indefinite. Claim 7 was rejected under 35 U.S.C. 112, first paragraph as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, has possession of the claimed invention.

Claim 1-3, 7 and 39 have been amended to provide more descriptions for clarification and for correcting informalities. The specification has been amended for correcting informalities and for clarification purposes. It is believed that the amendments are supported by the original specification and drawings of this application and can overcome the objections. After entering the amendments and considering the following discussions, a notice of allowance is respectfully solicited.

Discussion for the objections

The sequence listings were objected under 37 CFR 1.821 through 1.825 for not identifying the sequences in the claims or specification with SEQID NO identifications.

The specification and claims 1-3 have been amended to identify the sequences appropriately by SEQ ID NO, and a substitute copy of the Sequence Listing in both computer readable form (CRF) and paper copy is submitted. Applicant confirms that the paper and electronic versions of the newly submitted Sequence Listing are identical.

The following sequence identifiers have been added:

On page 9, line 21: SEQ ID NO: 12

On page 9, line 23: SEQ ID NO: 13

On page 9, line 25: SEQ ID NO: 14

On page 11, line 10: SEQ ID NO: 12

On page 11, line 20: SEQ ID NO: 13

On page 11, line 32: This sequence has been added in the newly submitted Sequence Listing as SEQ ID NO: 15

On page 16, line 5: This sequence has been added in the newly submitted Sequence Listing as SEQ ID NO: 16

On page 19, line 7 to page 20, line 15: These sequences are identified as SEQ ID NO: 1 to SEQ ID NO: 11 respectively

On page 23, line 16: SEQ ID NO: 12

On page 23, line 17: SEQ ID NO: 13

On page 23, line 18: SEQ ID NO: 14

In claim 1: The sequences are identified as SEQ ID NO: 12, SEQ ID NO:13, SEQ ID NO:14, respectively.

In claim 3: The sequences are identified as SEQ ID NO: 1 to SEQ ID NO: 11, respectively.

The whole copy of the specification has been enclosed, and the amendments added to the specification are marked with underlines.

The specification was objected as failing to provide proper antecedent basis for the claimed subject matters.

Regarding the objections of the specification, the full names or technical meanings of “MAPKKK”, “MAPKK”, “MAPK”, “TOCSY”, “NOESY”, “BZT”, “CZT”, “DZT” and “ACN%”.

(1) On page 32, line 32 and page 39, line 22 the trade names “Herceptin®”, “MabCampath®” and “MabThera®” are capitalized as “HERCEPTIN®”, “MABCAMPATH®” and “MABTHERA®” and the generic terminology for each of these trade names appears before the trade name.

(2) On page 39, line 30 the “MAPK” is identified as “Mitogen Activated Protein Kinase”, “MAPKK” is identified as “Mitogen Activated Protein Kinase Kinase”, and “MAPKKK” is identified as “Mitogen Activated Protein Kinase Kinase Kinase”.

On page 42, line 27 “NOESY” is identified as “Nuclear Overhauser Enhancement Spectroscopy” and “TOCSY” is identified as “Total Correlation Spectroscopy”.

(3) On page 49, line 23 “ATCC No. CCL-185” is amended to “ATCC NO. CCL-185™”

(4) In Example 7 on page 49 and 50 of the application please add the meaning of the terms “BZT”, “CZT” and “DZT” peptides as Hellethionin B, Hellethionin C and Hellethion D.

(5) The short description of Figure 4 has been added to the “Short description of the drawings” section in the Preliminary Amendment filed on June 20, 2005.

In the short description of Figure 2 on page 40 the meaning of “ACN%” is indicated as “Acetonitrile%”.

The substitute clean copy of the specification has been enclosed, along with a whole copy of the specification with the amendments marked with underlines.

Entry of the amendments to the specification and claims is respectfully requested.

Discussion of 101 rejections

Claims 1-3 and 7 were rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subjected matter.

Claims 1-3, 7 and 39 have been amended to recite an “isolated cysteine containing peptide” as recited at paragraph 54 of the application as filed; therefore these claims are now directed to patentable subject matters.

Discussion of 112 rejections

Claims 1-3, 7 and 39-42 were rejected under 35 U.S.C. 112, second paragraph as being indefinite.

Sequence identifiers have been added to the amended claims 1 & 3, as detailed under the section “Discussion for the objections” above.

For claim 2, claim 2 has now been amended to refer only to the peptides of SEQ ID NO: 12 and SEQ ID NO: 13 of claim 1. , therefore the objection to claim 2 is moot.

Regarding claim 7, in order to obtain a quick allowance of the present application, the terms “salt derivatives, cyclic derivatives and derivatives with a modified backbone” have been deleted from claim 7. However, the Applicant maintains that the inventive peptides would be expected to be active in the form of such derivatives and that peptide salt derivatives, cyclic peptide derivatives and peptides with a modified backbone are well known in the art of peptide production, and in addition that cyclic peptide derivatives are disclosed in detail at page 28, line

28 to page 29, line 5 of the application.

Regarding the remaining derivatives in this claim “ester derivatives, amide derivatives, halogen derivatives and methyl derivatives”, these derivatives are clearly disclosed at, for example, page 21, lines 10-19 of the application as filed.

Claim 7 was rejected under 35 U.S.C. 112, first paragraph as failing to comply with the written description requirement.

Similarly, in order to obtain a quick allowance of the present application, the terms “salt derivatives, cyclic derivatives and derivatives with a modified backbone” have been deleted from claim 7. However the applicant maintains that the inventive peptides would be expected to be active in the form of such derivatives and that peptide salt derivatives, cyclic peptide derivatives and peptides with a modified backbone are well known in the art of peptide production, and in addition that cyclic peptide derivatives are disclosed in detail at page 28, line 28 to page 29, line 5 of the application.

Accordingly, withdrawal and reconsideration of these 112 rejections are respectfully requested.

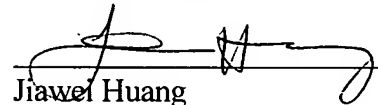
CONCLUSION

For at least the foregoing reasons, it is believed that the pending claims 1-3, 7 and 39-42 of the present application patently defines over the prior art and are in proper condition for allowance. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

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